

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BRANDON TAYLOR, <i>et al.</i> ,	)	
	)	Case No.: 1:13-cv-00031
	)	
Plaintiffs,	)	
	)	JUDGE: DAN AARON POLSTER
v.	)	
	)	
AMERICAN INCOME LIFE	)	<b><u>JOINT MOTION FOR COURT</u></b>
INSURANCE COMPANY, <i>et al.</i> ,	)	<b><u>APPROVAL OF SETTLEMENT</u></b>
	)	
Defendants.	)	

NOW COME Plaintiffs, Brandon Taylor, Brandon Burke, Kevin Colyer, Nicholas DeVito, Benjamin Luca, William McLendon, Desmond Motley, Jennifer Penny, Paul Roman, Michelle Stubbs-Thompson, Ashley Van Dyke, Vincent Wells ("Plaintiffs") and Defendants American Income Life Insurance Company, Surace Agencies Limited, and James Surace (Defendants") (Plaintiff and Defendants shall be referred to collectively herein as the "Parties"), by and through their respective attorneys, and jointly move the Court for approval of the Confidential Settlement Agreement and Release ("Agreement") entered into between the Parties. In support of the Motion, the Parties state as follows:

1. Plaintiffs filed a Complaint against Defendants, claiming that Defendants violated the Fair Labor Standards Act ("FLSA") and related state wage law, R.C. §§ 4111.01, *et seq.* by: (i) misclassifying the Plaintiffs as independent contractors rather than

employees (the "Lawsuit"), (ii) by failing to pay Plaintiffs overtime compensation for hours worked over 40 per week, and (iii) by failing to pay minimum wage.

2. Following negotiations between the Parties and their respective counsel, a mutually satisfactory settlement has been reached. However, because Plaintiffs have pled claims arising under the FLSA, this Court's approval of the Settlement Agreement is required. *See Brooklyn Savings Bank v. O'Neil*, 324 U.S. 697 (1945); *D.A. Schulte, Inc. v. Gangi*, 328 U.S. 108 (1946). When an employee brings a private action under the FLSA, and the Parties present to the District Court a proposed settlement, the District Court may enter an Order approving the settlement after scrutinizing the settlement agreement and concluding that it is a fair and reasonable resolution of a bona fide dispute over wages under the FLSA. *Lynn's Food Stores v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982); *see also Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986).

3. Attached hereto as Exhibit A and filed under continuous seal is the Settlement Agreement entered into between the Parties.

4. The Parties request that the Court approve the Settlement Agreement because it is a fair and reasonable resolution of a bona fide dispute over wages under the FLSA and related claims.

5. Attached hereto as Exhibit B is a proposed Order approving the Parties' Settlement Agreement.

WHEREFORE, the Parties respectfully request that this Court enter an Order approving the Settlement Agreement as a fair and reasonable resolution of bona fide disputes in the Lawsuit.

Respectfully submitted,

/s/ Komlavi Atsou

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Surace & Smith, James Surace, Marcus  
Smith and Michael Vasu*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 24, 2016, the foregoing *Joint Motion for Court Approval of Settlement* was electronically filed. Notice of this filing will be delivered to counsel of record by the normal operation of the Court's Electronic Case Filing System.

/s/ Komlavi Atsou  
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*Attorney for Plaintiffs*